

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

ELIZABETH A. EDWARDS

Debtor

)
)
)
)
)
)

CASE NO. 05-40982

DECISION AND ORDER

At Fort Wayne, Indiana, on September 8, 2005.

The notice of motion and opportunity to object which Creditors, Deborah Fraley and Edward Fraley (hereinafter "Movant") served in connection with their motion for relief from stay does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not "contain a brief summary of the ground for the motion or have a copy of the motion attached to it." N.D. Ind. L.B.R. B-2002-2(c)(4).
- b. The notice does not adequately "state the relief sought" by the motion. N.D.Ind.L.B.R. B-2002-2(c)(3). The requirements of paragraph (c)(3) contemplate the relief sought will be described with a greater degree of specificity than that which comes from simply restating the name of the motion. See also, LBR-2(a), 3(b).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court